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February

BY ECF

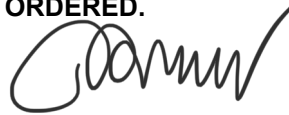
Hon. Philip M. Halpern
United States District Judge, SDNY
300 Quarropas Street
White Plains, New York 10601

Re: United States v. Kindle, et
Defendant Ralph Mercado
Docket # 21 CR 153 (PMH)

Application granted.

The conference scheduled for February 7, 2023 shall be adjourned to February 21, 2023 at 12:45 p.m.

SO ORDERED.



Philip M. Halpern
United States District Judge

Dated: White Plains, New York
February 6, 2023

Dear Judge Halpern;

This matter is scheduled for conference on Tuesday February 7, 2023, but we understand that the Court will not be available. I have conferred with AUSA Nicholas Bradley, and we agree that before Mr. Mercado can be formally arraigned, Your Honor must make a finding of competency, in order to make the record clear and avoid potential appellate issues. We do anticipate such a finding, as I intend to withdraw my objection to the competency report based on my client's present mental state.

I therefore respectfully request that conference be rescheduled for 12:45 p.m. on February 21, 2023. Mr. Cangelosi advises that the Court is available, and both Mr. Bradley and I can be present.

Thank you for your courtesy and consideration.

Respectfully yours,

John S. Wallenstein
JOHN S. WALLENSTEIN

JSW/hs